

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

CAZZIE L. WILLIAMS,

Petitioner,

v.

Civil Action No. 3:11CV689

ERIC D. WILSON,

Respondent.

MEMORANDUM OPINION

Cazzie L. Williams, a federal prisoner confined in Petersburg, Virginia, filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (“§ 2241 Petition”). Williams is currently serving a 156-month sentence pursuant to a conviction in the United States District Court for the District of New Jersey (“Sentencing Court”) for four counts of bank robbery. On July 22, 2009, the Sentencing Court denied a 28 U.S.C. § 2255 motion filed by Williams challenging the above convictions and sentence. *Williams v. United States*, No. 08-1242 (JAG), 2009 WL 2191178, at *5 (D.N.J. July 22, 2009). In June of 2010, Williams filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 in the Sentencing Court which was dismissed as a successive motion pursuant to 28 U.S.C. § 2255. (§ 2241 Pet. 5.)¹ The current § 2241 Petition is also a successive, unauthorized 28 U.S.C. § 2255 motion.

A motion pursuant to 28 U.S.C. § 2255 provides the primary means of collateral attack on the imposition of a federal conviction and sentence and must be filed with the sentencing court. *See Pack v. Yusuff*, 218 F.3d 448, 451 (5th Cir. 2000) (*quoting Cox v. Warden, Fed. Det. Ctr.*, 911 F.2d 1111, 1113 (5th Cir. 1990)). The United States Court of Appeals for the Fourth

¹ Because the pages of the § 2241 Petition are not consecutively numbered, the Court will refer to the § 2241 Application using the page numbers assigned to that document by the CM/ECF system.

Circuit has stressed that an inmate may challenge his conviction under § 2241 “only in very limited circumstances.” *United States v. Poole*, 531 F.3d 263, 269 (4th Cir. 2008) (internal quotation marks omitted). Specifically, “[w]hen § 2255 ‘appears . . . inadequate or ineffective to test the legality of his detention,’ § 2255(e), . . . a federal prisoner may seek habeas relief from the court in the district of his confinement under § 2241.” *Id.* at 270 (first alteration in original) (citing *In re Jones*, 226 F.3d 328, 333-34 (4th Cir. 2000)). In deciding *In re Jones*, the Fourth Circuit concluded that:

§ 2255 is inadequate and ineffective to test the legality of a conviction when: (1) at the time of conviction, settled law of this circuit or the Supreme Court established the legality of the conviction; (2) subsequent to the prisoner’s direct appeal and first § 2255 motion, the substantive law changed such that the conduct of which the prisoner was convicted is deemed not to be criminal; and (3) the prisoner cannot satisfy the gatekeeping provisions of § 2255 because the new rule is not one of constitutional law.

In re Jones, 226 F.3d at 333–34. Williams fails to demonstrate that the substantive law has changed since his direct appeal and first § 2255 motion. Thus, he fails to demonstrate that he can proceed under 28 U.S.C. § 2241.² Furthermore, he cannot proceed by way of 28 U.S.C. § 2255 because he has not obtained authorization from the appropriate court of appeals to file a

² Williams challenges his incarceration on three grounds:

- Claim One “Cazzie Williams is being held unlawfully because he pled guilty to an indictment ‘charging [no] crime’, but was sentenced for a four-count indictment charging ‘Bank Robbery’.” (§ 2241 Pet. 5 (alteration in original).)

- Claim Two “Cazzie Williams is being held unlawfully because there was [no] conviction on record for any four-count indictment charging ‘Bank Robbery’.” (*Id.* at 6 (alteration in original).)

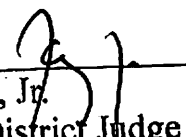
- Claim Three “Cazzie Williams is being held unlawfully because the District Court entered a ‘Judgment & Commitment Order’ adjudicating him guilty of the [unconvicted] ‘Bank Robbery’ charge (CRNo 08-842).” (*Id.* (alteration in original).)

successive 28 U.S.C. § 2255 motion. *See Felker v. Turpin*, 518 U.S. 651, 657 (1996).

Accordingly, the action will be DISMISSED for want of jurisdiction.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 12/7/11
Richmond, Virginia

/s/ 
John A. Gibney, Jr.
United States District Judge